

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-33282 of 2018

.....

Date of decision:17.10.2018

Kirpal Singh and Pallu

.....Petitioner

v.

Narcotic Control Bureau, Amritsar

.....Respondent

....

Present: Mr. R.S. Sekhon, Advocate for the petitioner.

Mr. D.D. Sharma, Advocate for the respondent.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in NCB Crime No.18/2018 dated 6.4.2018 registered for the offences under Sections 8, 21, 23 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the NDPS Act') by Narcotic Control Bureau, Amritsar.

Notice of motion has been issued in this case.

Mr. D.D. Sharma, learned Advocate has appeared on behalf of the respondent and contested this petition.

I have heard learned counsel for the petitioner as well as learned counsel for the respondent and have gone through the record.

As per the respondent-complainant, about 4 kgs. Heroin has been recovered from Sabir Hussain alias Ali Raza. Sabir Hussain made statement under Section 67 of the NDPS Act that he is to supply this Heroin to the owner of the land i.e. father of the petitioner. During investigation,

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father gave the statement that his son i.e. the present petitioner knows the name of the smuggler.

The petitioner has already joined the investigation. He is not required for custodial interrogation. There is no allegation regarding keeping or dealing of any narcotics. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case and the fact that the recovery has already been effected; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 27.8.2018 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.PC.

October 17, 2018.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No